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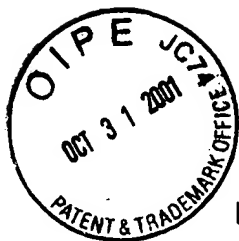
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PATENT

Customer Number 22,852

Attorney Docket No. 07691.0006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brendan LARDER et al.

Application No.: 09/589,167

Filed: June 8, 2000

For: METHOD AND SYSTEM FOR
PREDICTING RESISTANCE OF
A DISEASE TO A
THERAPEUTIC AGENT USING A
NEURAL NETWORK

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) Group Art Unit: 1631
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) Examiner: M. Zeman
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#4
Plunkett
11/14/01

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action dated October 1, 2001, Applicants respectfully request reconsideration of the subject application in light of the following remarks.

Claims 1-29 are pending in this application. In the Office Action, the Office required restriction under 35 U.S.C. § 121 to one of the following groups of claims:

- I. Claims 1-7, 13-23, drawn to methods of predicting the resistance of a pathogen to a therapeutic agent using a trained neural network, and the neural network itself, classified in class 706, subclass 2 and class 700, subclass 48.
- II. Claims 8-12, drawn to methods of predicting the resistance of a disease to a therapeutic agent, classified in class 706, subclass 13.
- III. Claims 23-28, drawn to methods of designing a therapeutic agent to treat a disease or pathogen, classified in class 706, subclass 31.
- IV. Claim 29, drawn to a method of predicting the probability that an individual

would develop a disease, classified in class 706, subclass 21.

The restriction requirement is respectfully traversed. However, to be fully responsive to the restriction requirement, Applicants provisionally elect to prosecute Group I, Claims 1-7 and 13-23 drawn to methods of predicting the resistance of a pathogen to a therapeutic agent using a trained neural network, and the neural network itself.

The Applicants refer the Office to M.P.E.P. § 803, which sets forth the criteria and guidelines for the Office to follow in making proper requirements for restriction. The M.P.E.P. instructs the Office as follows:

If the search and examination of an entire application can be made without serious burden, the Office must examine it on the merits, even though it includes claims to distinct or independent inventions.

M.P.E.P. § 803 (emphasis added).

The Office has not shown that examining Groups I - IV would constitute a serious burden. For example, as the Office states, Groups I, II, III, and IV are classified as part of the same class, *i.e.*, 706. The Office has not demonstrated that searching the same class constitutes a serious burden.

The critical issue is not whether these groups are unrelated but whether there is a serious burden to the Office in examining the Groups together. In view of the foregoing remarks, Applicants respectfully request that the requirement be withdrawn.

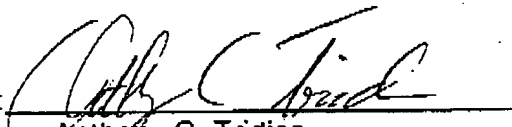
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 31, 2001

By:


Anthony C. Tridico
Reg. No. 45,958